Calendar No. 130

102D CONGRESS *1st Session* | SENATE | REPORT 102-91

AUTHORIZING A STUDY OF NATIONALLY SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY

JUNE 21 (legislative day, JUNE 11), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1143]

The Committee on Energy and Natural Resources to which was referred the act (H.R. 1143) to authorize a study of nationally significant places in American labor history, having considered the same, reports favorably thereon with amendments and recommends that the act, as amended, do pass.

The amendments are as follows:

1. On page one, strike line 4 in its entirety and insert in lieu thereof the following "(a) The Secre-".

2. On page 2 after line 14 insert the following new subsection:

> (b) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

PURPOSE OF THE MEASURE

The purpose of H.R. 1143, as ordered reported, is to direct the Secretary of the Interior to prepare a National Historic Landmark theme study on American labor history.

BACKGROUND AND NEED

The 1935 Historic Sites Act established the National Historic Landmarks program to identify and commemorate sites of national significance. Since that time, almost 1,900 sites have been designated as National Historic Landmarks. The National Park Service has established a "thematic framework" for National Historic Land-

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marks, which outlines the landmarks' interpretation of American history.

Various categories in the framework relate to the history of work and working people, including "Agriculture," Extractive or Mining Industries," "Manufacturing Organizations," "Construction and Housing" and "Labor Organizations." Twelve properties relating to American labor history have currently been designated as National Historic Landmarks.

LEGISLATIVE HISTORY

H.R. 1143 passed the House of Representatives by a voice vote on May 7, 1991. The Senate companion measure, S. 52, was introduced by Senator Moynihan on January 14, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on both bills on May 21, 1991.

At the business meeting on June 12, 1991, the Committee on Energy and Natural Resources ordered H.R. 1143, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 12, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 1143, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley [1]	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Akaka	
Mr. Fowler [1]	
Mr. Shelby	
Mr. Wellstone [1]	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici [1]	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour [1]	
Mr. Garn [1]	

[1]Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 1143 the Committee adopted two amendments to modify the completion date of the theme study.

As introduced, the Secretary of the Interior is directed to complete the theme study within 3 years after the date of enactment. The amendments adopted by the Committee change the completion date to 3 years after the date funds are made available for the theme study. The Committee notes that these amendments are consistent with other study bills reported from the Committee, and are supported by the National Park Service.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior (the "Secretary") to prepare and transmit to the Congress a National Historic Landmark theme study on American labor history (the "theme study"). The theme study is to be prepared in consultation with the Secretary of Labor and in accordance with the guidelines set forth in section 2 of this Act.

The section further provides that the purpose of the theme study shall be to identify key sites in American labor history, and to identify, evaluate, and nominate as national historic landmarks those sites and structures that best illustrate or communicate American labor history in its fullest variety. On the basis of the theme study, the Secretary is directed to identify possible new park units appropriate to the theme along with a list ranking the importance of appropriate sites.

Subsection (b) provides that the theme is to be completed within 3 years after the date funds are made available for the study.

Section 2 directs the Secretary to consult with workers, workers' representatives, scholars of labor history, and historic preservationists for technical assistance and for the preparation of guidelines for the theme study.

Section 3 states that the Secretary shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American labor history to prepare the theme study and to ensure that the theme study meets scholarly standards.

Section 4 authorizes the appropriation of $250,000 to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1143, an act to authorize a study of nationally significant places in American labor history, as ordered reported by the Senate Committee on Energy and Natural Resources on June 12, 1991. Implementation of this legislation would cost the federal government $250,000, assuming appropriation of the necessary sums.

The act would not affect pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1143 would direct the Secretary of the Interior to prepare a study to identify the key sites in American labor history through cooperative agreements with scholarly and historical organizations. On the basis of the study, the Secretary would identify possible new park units appropriate to this theme. The act would authorize the appropriation of $250,000 for this purpose. Assuming appropriation of the necessary sums, CBO estimates that the National Park Service would spend most of this amount during fiscal years 1992 and 1993.

Enactment of this legislation would have no impact on the budgets of state or local governments.

On April 29, 1991, CBO prepared a cost estimate for H.R. 1143 as ordered reported by the House Committee on Interior and Insular Affairs on April 24, 1991. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1143. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1143, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 13, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 1143. These reports had not been received at the time the report on H.R. 1143 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing on H.R. 1143 follows:

STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 52. A similar bill, H.R. 1143, passed the House of Representatives on May 7, 1991.

We believe there is adequate authority under existing law to accomplish the studies proposed in S. 52 and H.R. 1143, and in fact, some properties associated with labor have already been studied. Nonetheless, we support the enactment of either bill. We also suggest certain improvements in order to facilitate the study.

Both bills would direct the Secretary of the Interior within three years after enactment to prepare and transmit to Congress a National Historic Landmark Theme Study. The theme to be studied is American labor history. Both bills direct the Secretary to identify possible new park units and discuss the feasibility and suitability of their inclusion in the National Park System; both bills also direct the Secretary to enter into cooperative agreements with organizations to prepare the theme study and ensure that it meets scholarly standards. The bills would authorize the $250,000 to carry out the study. The only material difference between the bills is that H.R. 1143 requires the study to be prepared in accordance with guidelines, a provision not present in S. 52.

Section 2(b) of the Historic Sites Act of 1935 authorizes the Secretary of the Interior to make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value in commemorating or illustrating the history of the United States. Section 4 of that Act also authorizes the Secretary, in administering the provisions of the Act, to seek and accept the assistance of any Federal, State, or municipal agency or any educational, scientific or patriotic association or any individual.

Under the authority of the 1935 Act, the National Park Service has conducted studies of many of the broad themes in American history. These studies identify which sites are of national significance, and thereby eligible for designation as National Historic Landmarks.

Mr. Chairman, we are mindful of the requirement in section 1209 of the Arizona Desert Wilderness Act of 1990 to completely revise the National Park Service Thematic Framework. This revision is due to your Committee by the end of May 1992. We do not expect that the broad theme represented in S. 52 and H.R. 1143 would be deemphasized as a result of the revision required under Section 1209 of the 1990 Act.

With regard to the American labor history theme, some properties importantly related to American labor history have already been designated. We have for some years believed, however, that a full-fledged theme study of American Labor History would be appropriate. No such study has been done, and none has been programmed for the next few years.

Mr. Chairman, we request that the following concerns be addressed when the bills are considered by the full Committee. Completion of this theme study in a consistent

and comprehensive manner will be facilitated if these concerns are addressed.

1. The bills require completion of the study within three years after enactment instead of within three years after funds are made available therefore.

We would prefer that the deadline be effective from the date that funds are made available for the study, which is similar to the Underground Railroad study required by Title VI of the Arizona Desert Wilderness Act of 1990. Without the necessary funds to complete this study, we would have to use funds identified for other studies in order to meet the three-year deadline, and other earlier commitments could not be met. In addition, funding for this study would be subject to the budgetary priority setting process.

2. The bills require that the theme study identify possible locations, components, and features of new park units. Studies of new park units require consideration of suitability and feasibility, which are not required in the usual history theme study. The theme study identifies sites that are potentially nationally significant. We believe a determination of national significance, through the medium of the theme study, should precede any formal suitability study of possible new park units.

3. The bills require that the Secretary enter into cooperative agreements with organizations to prepare the theme study and ensure that the study meets scholarly standards. National Park Service historians are qualified to prepare the study, and if we need to contract for portions of it the Service already has the option of concluding cooperative agreements. We cannot be sure, at this stage, that external groups or organizations would be willing and capable of conducting the study. I can assure the Subcommittee, however, that we will, in any case, seek review of the study by qualified historians outside the Service. If we conclude that contracts or cooperative agreements are desireable to accomplish the study, it is our intention to enter into such contracts or agreements through competitive bidding.

4. Finally, it is unclear in H.R. 1143 whether the Secretary or workers representatives, scholars, and historic preservationists shall prepare the guidelines for the study. We assume the Secretary shall prepare guidelines following consultation with the groups referred to in the bill.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1143, as ordered reported.

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